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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,188	12/20/2001	Andrew E. Fano	33836000005	9701
30498	7590	12/01/2005		
ACCENTURE C/O VEDDER PRICE KAUFMAN & KAMMHOLZ, P.C. 222 NORTH LASALLE STREET CHICAGO, IL 60601			EXAMINER PEREZ GUTIERREZ, RAFAEL	
			ART UNIT 2686	PAPER NUMBER

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,188

Applicant(s)

Fano et al.

Examiner

Rafael Perez-Gutierrez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on August 5, 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10,11 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) 21-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10,11,29 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/29/2003
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on August 5, 2005. **Claims 10, 11, and 21-30** are now pending in the present application. **This Action is made FINAL.**

Election/Restrictions

2. Newly submitted **claims 21-28** are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: They are drawn to a system, method, and subscriber unit configured to control context-determinative devices while the invention originally claimed and subsequently amended (i.e., **claims 10, 11, 29, and 30**) is drawn to a method and wireless device for logging and forwarding, via a long range wireless transmitter, contextual information to a remote data repository.

Since Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, **claims 21-28** are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Drawings

3. The drawings are objected to because of the following minor informality: On **figure 6**, replace both occurrences of "BLUETOOT-ENABLED" with "--BLUETOOTH-ENABLED".

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4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference number not mentioned in the description: On **figure 7**, reference number **700** is not mentioned in the specification.

5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office Action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended”. If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the Examiner, the Applicant will be notified and informed of any required corrective action in the next Office Action. If a response to the present Office Action fails to include proper drawing corrections, corrected drawings or arguments therefor, the response can be held **NON-RESPONSIVE** and/or the application could be **ABANDONED** since the objections/corrections to the drawings are no longer held in abeyance.

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Specification

6. The disclosure is objected to because of the following informalities:

a) On **paragraph 0014 line 17**, on **paragraph 0021 line 4**, and on **paragraph 0027 line 8**, replace “(e.g.” with --(e.g.,--;

b) On **paragraph 0016 line 13**, on **paragraph 0017 line 3**, and on **paragraph 0050 line 2**, replace “(i.e.” with --(i.e.,--;

c) On **paragraph 0017 line 12**, insert --a-- before “product”;

d) On **paragraph 0020 line 2** and on **paragraph 0021 line 5**, replace “110,112” with --110, 112--;

e) On **paragraph 0021 line 4**, replace “operation etc.)” with --operation, etc.)--;

f) On **paragraph 0025 line 2**, replace “unit , 204,” with --unit 204--;

g) On **paragraph 0030 line 4**, replace ““information)” with --“information”)--;

h) On **paragraph 0036 line 7**, replace “304” with --404--;

i) On **paragraph 0050 line 5**, replace “environs” with --environments--; and

j) On **paragraph 0059 lines 3 and 11**, replace “i.e.” with --i.e.,--.

Appropriate correction is required.

7. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code in **paragraph 0031 line 24** (i.e., www.bluetooth.com).

Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

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Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "said transmitter" in **line 6**. There is insufficient antecedent basis for this limitation in the claim. Previous reference to a transmitter was not found in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless -- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10, 11, 29, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by **Nykänen et al. (U.S. Patent # 6,714,778 B2)**.

Consider **claims 10 and 29**, Nykänen et al. clearly show and disclose a method of using short range wireless signals (e.g., Bluetooth wireless signals) to detect proximity-determined

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context (abstract and column 9 lines 25-31) and a wireless device 100 (figures 1 and 2) for obtaining context-determinative information from at least one sensor 122, 124, 125, 126, 128, 132, and 134 (context-determinative device) having a short range wireless signal transceiver (e.g., Bluetooth transceiver located in an accessory or a room where the sensors are placed) (figures 1 and 2 and column 9 lines 25-31), wherein the short range wireless signal transceiver broadcasts contextual information about the device via short range wireless signals (e.g., position, audio, or ambient light or temperature) (figures 1 and 2, column 4 lines 20-37, and column 9 lines 17-31), the wireless device 100 comprising:

a short range wireless receiver configured to detect the short range wireless signals from the sensors 122, 124, 125, 126, 128, 132, and 134 (context-determinative device) (i.e., a Bluetooth receiver inherently necessary for receiving the Bluetooth signals from the sensors in the accessory or in the room) (column 9 lines 17-31);

a radio 206 (long range wireless transmitter) (figure 2) configured to transmit data from the wireless device 100 to another wireless device having a data repository (e.g., radio tower 114 providing access to network server 140 (data repository)) (figure 1, column 4 lines 48-55, and column 8 line 50 - column 9 line 16); and

a context inference engine 136 (processing unit) configured to log contextual information about the sensors (context-determinative devices) derived and recovered from the detected short range wireless signals and forward the logged contextual information to the network server 140 (data repository) via the radio 206 (long-range transmitter) (figure 2, column 1 line 52 - column 2 line 3, column 3 lines 10-17, column 9 lines 17-46, and column 13 line 62 - column 16 line

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13).

Consider **claims 11 and 30**, and as applied to **claims 10 and 29** above, Nykänen et al. further show and disclose that the contextual information includes at least one of functionality of the sensors (context-determinative devices) and operation of sensors (context-determinative device) (e.g., positioning, acceleration, temperature, audio, noise) recovered prior to deriving (figures 1 and 2, column 1 line 52 - column 2 line 3, column 3 lines 10-17, column 9 lines 17-46, and column 13 line 62 - column 16 line 13).

Response to Arguments

10. Applicant's arguments with respect to **claims 10, 11, 29, and 30** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (571) 272-7915. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.


If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

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Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.


Rafael Perez-Gutierrez
R.P.G./rpg **RAFAEL PEREZ-GUTIERREZ**
 PRIMARY EXAMINER

November 23, 2005